



# STATE OF CONNECTICUT

## DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 19, 2010  
Government Administration and Elections Committee

Testimony Submitted by Commissioner Amey Marrella  
Department of Environment Protection

### **Raised House Bill 5520 - AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND**

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Thank you for the opportunity to present testimony regarding Raised Committee Bill No. 5520, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. The Department of Environmental Protection recommends amending the proposed bill by deleting four sections, and by adding one section to the bill.

The Department is testifying today in opposition to sections 5, 10, 19 and 22 of House Bill 5520. These sections propose to convey state owned open space lands under the control of the Department to municipalities or private entities to be developed for municipal or economic development purposes.

Section 23-8 of the Connecticut General Statutes states, "The goal of the state's open space acquisition program shall be to acquire land such that ten percent of the state's land is held by the state as open space..." Release of these open space properties for development purposes would be taking a step backwards in our statutory mandate to acquire and preserve open space lands.

In addition, Sections 5, 10 and 22 require that the state convey these open space lands to towns with no compensation to the state. As you know, in the most recently adopted state budget, the state is required to develop a plan to sell a total of \$60 million of state assets. While these lands are not included in the state's plan to sell assets, it seems to run contrary to recent legislative directive to give away state assets with no compensation.

The Department of Environmental Protection also recommends the addition of one section to this bill to address a state land management issue at Lake Phipps in the Town of West Haven. Proposed substitute language to implement these proposed deletions and addition are attached to this testimony. Also attached is a more detailed background document regarding the Lake Phipps proposal.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).

**Proposed Substitute language for House Bill 5520**

Delete sections 5, 10, 19 and 22, and add the following NEW section below:

(NEW) Section X. (Effective from passage) (a) Notwithstanding any provision of the general statutes, the Commissioner of Environmental Protection shall convey to the Lake Phipps Special Taxing District those certain pieces or parcels of land located in the City of West Haven, County of New Haven, State of Connecticut realty that was conveyed to the State of Connecticut, Commissioner of Environmental Protection from the Lake Phipps Land Owners Corporation via a Judgment Order dated August 27, 1990 and recorded in Volume 894 at Page 322 of the West Haven Land Records. The specific properties to be conveyed by the Commissioner of Environmental Protection are more particularly described as follows:

- a) A parcel located on Phipps Drive described in a deed from Regina Morris, Trustee, to the Lake Phipps Land Owners Corporation dated April 19, 1957 and found at Volume 391 on Page 391 of the West Haven Land Records, being more particularly described therein as lot no. 36 in Block no. 6, and being further shown as Parcel No. 11A on the West Haven Assessors Map D-8;
- b) A parcel located off Phipps Drive described in a deed from Regina Morris, Trustee, to the Lake Phipps Land Owners Corporation dated April 19, 1957 and found at Volume 391 on Page 391 of the West Haven Land Records, being more particularly described therein as that unmarked peninsular portion in said block on said map lying to the Southwest of Block no. 9, said portion being a revision of plots A and B as appears on a certain map entitled "Layout of The Lake Phipps Estates Office 341 State Street, New Haven, Conn., May 1927," John F. Lynch, Civil Engineer and Surveyor, said peninsular portion lying southwesterly of lot no. 23 upon the aforesaid map, revised June, 1932; said above-described parcel being further shown as Parcel 79 on the West Haven Assessor's Map D-8;
- c) Three parcels located in the northwesterly and northern portions of the so-called Upper Lake Phipps, described on a deed found at Volume 391 on Page 391 of the West Haven Land Records, being more particularly described therein as that portion of unmarked land lying to the North and West of Block no. 9, as appears on a certain map entitled "Layout of the Lake Phipps Estates Office 341 State Street, New Haven, Conn., May 1927," John F. Lynch, Civil Engineer and Surveyor, said parcels upon such map being described as follows:

West by Phipps Drive;

North by land now or formerly of New York, New Haven and Hartford Railroad Company;

East by that part of Lake Phipps as is commonly referred to as the "Lower Lake" by an irregular line;

South by Block No. 1 on said map;

West again, Southwest and South again by Lake Phipps by an irregular line;  
West again by Lot no. 40 in Block no. 9 on said map;  
Southwest again by a private road as shown on said map;  
West again by Lot no. 22 in said block on said map;  
North again, West again, Southwest again, West again, South again, East again  
and South again by the waters of Lake Phipps being an irregular line;

EXCEPTING, however, from the above-described such portions as heretobefore conveyed by Regina Morris, Trustee, to Angelo Grillo by deed dated May 18, 1937 and recorded in Volume 254 on Page 151 of the West Haven Land Records; by Regina Morris, Trustee and Don Panza to Angelo Grillo, by deed dated September 13, 1937 and recorded in Volume 254 on Page 152 of said Land Records; by Regina Morris, Trustee, to Frank J. Gebauer, by deed dated August 20, 1938 and recorded in Volume 256 on Page 556 of said Land Records; and by Regina Morris, Trustee, to Philip E. Dunn and Elizabeth R. Dunn, husband and wife, and the survivor of them, by deed dated August 6, 1954 and recorded in Volume 360 on Page 242 of said Land Records;

AND EXCEPTING FURTHER, such portions of the above-described as heretobefore conveyed by the Lake Phipps Land Owners Corporation to John P. and Ella Santino, by deed dated July 28, 1962 and recorded in Volume 441 on Page 411; by the Lake Phipps Land Owners Corporation to the City of West Haven, by deed dated September 28, 1967 and recorded in Volume 504 on Page 691, as revised by deed dated October 14, 1977 and recorded in Volume 611 on Page 507 of said Land Records; by the Lake Phipps Land Owners Corporation to Norman R. Shortsleeves, by deed dated September 18, 1969 and recorded in Volume 514 on Page 118 of said Land Records; by the Lake Phipps Land Owners Corporation to Norman R. Shortsleeves, by deed dated July 22, 1975 and recorded in Volume 582 on Page 364 of said Land Records; by the Lake Phipps Land Owners Corporation to John W. Hodgdon and Bruce Sweeney, by deed dated October 14, 1977 and recorded in Volume 611 on Page 511 of said Land Records; as revised by deed dated May 18, 1978 and recorded in Volume 619 on Page 509; the above-described three parcels additionally being shown as Parcels Nos. 75 and 78 on the West Haven Assessors Map D-8; and so much of Parcel No. 95 of said Assessors Map as encompasses the dam structure along the Northerly face of Upper Lake Phipps, as same is described in the aforementioned deed of the Lake Phipps Land Owners Corporation to John W. Hodgdon and Bruce Sweeney dated May 18, 1978 in the aforecited West Haven Land Records;

- d) A dam structure located on Main Street, City and Town of West Haven, described by deed from Regina Morris, Trustee, to the Lake Phipps Land Owners Corporation, said deed dated April 19, 1957 and recorded in Volume 391 on Page 391 of the West Haven

Land Records, said structure being additionally shown as Parcel No. 151 of the West Haven Assessors Map D-8; and the lake bottom of the aforementioned so-called Upper Lake Phipps, described by deed from Regina Morris, Trustee, to the Lake Phipps Land Owners Corporation, said deed dated April 19, 1957 and recorded in Volume 391 on Page 391 of the said Land Records;

- e) A parcel located on Phipps Drive in the City and Town of West Haven and described in a deed from Harriett E. Ihne to the Lake Phipps Land Owners Corporation dated June 27, 1978 and found at Volume 621 on Page 516 of the West Haven Land Records, said parcel being more particularly described as lying westerly of Lot n. 23 in Block no. 9 as shown on a map entitled "Layout of the Lake Phipps Estates, office 341 State Street, New Haven, Conn., May 1927," John E. Lynch, Civil Engineer and Surveyor, West Haven, Conn. revised June 1932, said premises being bounded:

West by land of Lake Phipps Land Owners Corporation, 12 feet, more or less;

North by Phipps Drive, 12 feet, more or less;

East by land of the grantor, 20 feet, more or less; said line being parallel with and 10 feet perpendicularly distant easterly of the above described west bound;

South by Lake Phipps, 10 feet, more or less;

the aforesaid parcel being additionally shown as Parcel No. 79A on the West Haven Assessors Map D-8;

- f) A parcel located on Shady Lane in the City and Town of West Haven and described in a deed from Regina Morris, Trustee, to the Lake Phipps Land Owners Corporation dated April 19, 1957 and described more particularly as Lots nos. 4 and 5 in Block no. 8 on a map entitled "Layout of the Lake Phipps Estates, Office 341 State Street, New Haven, Conn.," Scale 1 in. equals 100 ft., May 1927, revised June 1932, J. F. Lynch, Civil Engineer, said lots being bounded as follows:

East by a Right of Way as shown on said map;

South by Lot #6 in said block on said map;

West by the waters of Lake Phipps;

North by Lot #3 in said block on said map.

Said parcel being additionally described as Parcel No. 49 on the West Haven Assessors Map D-8.

(b) The State Properties Review Board shall complete its review of the conveyance of said land not later than thirty days after it receives a proposed deed from the Department of Environmental Protection. The land shall remain under the care and control of said Department until a conveyance is made in accordance with the provisions on this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section. The Commissioner of Environmental Protection shall have the responsibility for all other incidents of such conveyance.